



07 NOV 2006

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In re Application of
JUNGKAMP et al.
Application No.: 10/586,470
Filing Date: 18 July 2006
Attorney Docket No.: 12810-00322-US1
For: METHOD FOR PRODUCING LINEAR
PENTENENITRILE

NOTIFICATION

This application is before the PCT Legal Office for consideration of matters arising under 35 U.S.C. 371.

BACKGROUND

On 27 January 2005, applicant filed international application PCT/EP05/00781, which claimed a priority date of 29 January 2004. The thirty month period for paying the basic national fee expired at midnight on 29 July 2006.

On 18 July 2006, applicant filed a transmittal letter for entry into the national stage in the United States which were accompanied by, *inter alia*, the U.S. Basic National Fee. The papers were assigned serial number 10/586,470. On 26 July 2006, applicant filed a second transmittal letter for entry into the national stage in the United States which were accompanied by, *inter alia*, authorization to charge the U.S. Basic National Fee. The papers were assigned serial number 10/587,247. Application 10/586,470 proceeded as the national stage of PCT/EP05/00781.

DISCUSSION

As is evident from the above recited facts, two sets of papers to enter the national stage were submitted for international application number PCT/EP05/00781. The papers submitted on 18 July 2006 were assigned United States application number 10/586,470 and proceeded as the national stage of PCT/EP05/00781. The end result for an international application designating the United States of America is a single U.S. national stage application. Therefore, the submission of two sets of national stage papers to enter the United States was improper.¹

¹ 35 U.S.C. 363 states:

An international application designating the United States shall have the effect, from its international filing date under article 11 of the treaty, of a national application for patent regularly filed in the Patent and Trademark Office except as otherwise provided in 102(e) of this title. (emphasis added)

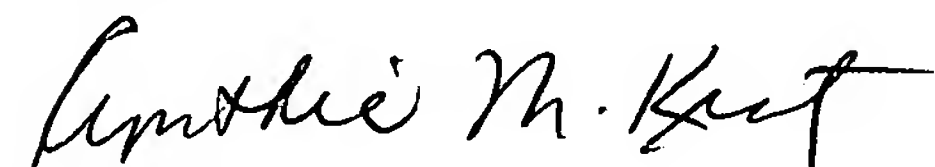
Further, 35 U.S.C. 371(b) states:

(b) Subject to subsection (f) of this section, the national stage shall commence with the expiration of the applicable time

CONCLUSION

Application 10/586,470 will proceed as the U.S. national stage of PCT/EP05/00781. The application will be forwarded to the United States Designated/Elected Office for further processing. Any fees charged to applicant's deposit account associated with the duplicate filing will be refunded.

The application papers filed on 26 July 2006 will be merged with U.S. application 10/586,470.



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limit under article 22(1) or (2), or under article 39(1)(a) of the treaty. (emphasis added)

The language of 35 U.S.C. 363 and 371 refers to the national stage of the PCT in the singular only, and thus only one (1) national stage application in the U.S. may develop from an international application.